

Date

Tom Hanlon.
1307 Seaboard Avenue
Baton Rouge, Louisiana 70810-6260

Re: Ethics Board Docket No. 2020-727

Dear Mr. Hanlon:

The Louisiana Board of Ethics, at its May 7, 2021 meeting, considered your request for an advisory opinion as to whether members of the Capital Area Transit System Employees' Pension Fund Board of Trustees are required to file annual personal financial disclosure statements pursuant to R.S. 42:1124.2.1.

FACTS PROVIDED

You stated that the Capital Area Transit System Employees' Pension Fund (formerly the Capital Transportation Corporation Employees' Pension Plan) was created in 1973 by virtue of an agreement between the ATU Local 1546 and the Capital Transportation Corporation. The laws which created the Capital Transportation Corporation have been repealed and replaced with laws that changed the Capital Transportation Corporation to the Capital Area Transit System. The Pension Fund does have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year.

LAWS

La. R.S. 42:1124.2.1 requires financial disclosure for each member and designee of a board or commission which has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year on or before May 15th of each year during which the person holds office and the year following termination of the holding of such office.

La. R.S. 42:1124.2.1(D)(1)(a) defines a board or commission as (i) each board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government; (ii) each board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in Subparagraph (b) of this Paragraph, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government.

La. R.S. 42:1124.2.1D(1)(b) states that a "board or commission" shall not mean (i) the governing authority of a parish, (ii) any board or commission or like entity that governs a political subdivision created by a single parish governing authority of a parish with a population of two hundred thousand or less, or any subdistrict of such a political subdivision, (iii) the governing authority of a

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municipality, (iv) any board or commission or like entity that governs a political subdivision created by a single municipal governing authority of a municipality with a population of twenty-five thousand or less, or any subdistrict of such a political subdivision, (v) a board of directors of a private nonprofit corporation that is not specifically created by law, (vi) any board or commission that does not have the authority to expend, disburse, or invest more than fifty thousand dollars of funds in a fiscal year and whose members are not eligible to receive any compensation, per diem, or reimbursement of expenses for services on the board or commission, or (vii) any board or commission that is the governing authority of a special district established by Chapter 29 of Title 33 of the Louisiana Revised Statutes of 1950 or pursuant to Chapter 30-A of Title 33 of the Louisiana Revised Statutes of 1950 for the purpose of improvement or beautification of the district or promoting and adding to the security of district residents, provided that the boundaries of the special district are not conterminous with the boundaries of a parish or municipality and provided that the board or commission does not have the authority to collect, expend, disperse, or invest more than five hundred thousand dollars of funds in a fiscal year.

CONCLUSION

The Board concluded, and instructed me to inform you, that members of the Capital Area Transit System Employees' Pension Fund Board of Trustees are **not** required to file annual personal financial disclosure statements pursuant to R.S. 42:1124.2.1. Since the Capital Area Transit System Employees' Pension Fund was created through an agreement between the ATU Local 1546 and the Capital Transportation Corporation, the Capital Area Transit System Employees' Pension Fund does not meet the definition of a "board or commission" as defined in La. R.S. 42:1124.2.1D(1)(a).

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
For the Board